

Application No.: 10/732796

Case No.: 58182US004

VI. Claims 1-7, 10-16 are said to be drawn to SEQ ID NO:11, encoding the polypeptide of SEQ ID NO:12, classified in Class 435, subclass 69.1;

VII. Claims 1-7, 10-16 are said to be drawn to SEQ ID NO:13, encoding the polypeptide of SEQ ID NO:14, classified in Class 435, subclass 69.1;

VIII. Claims 1-7, 10-16 are said to be drawn to SEQ ID NO:15, encoding the polypeptide of SEQ ID NO:16, classified in Class 435, subclass 69.1;

IX. Claims 1-7, 10-16 are said to be drawn to SEQ ID NO:18, encoding the polypeptide of SEQ ID NO:19, classified in Class 435, subclass 69.1;

X. Claims 1-7, 10-16 are said to be drawn to SEQ ID NO:19, encoding the polypeptide of SEQ ID NO:20, classified in Class 435, subclass 69.1;

XI. Claims 8-9, 17-18. are said to be drawn to an agonist, class and sublass undeterminable.

Election

In response, Applicants elect Group VI, claims 1-7 and 10-16, with traverse. Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

Applicants submit that the claims of Groups I-X are so interrelated that a search of one group of claims will reveal art to the other. While the nucleotide sequences and polypeptide sequences differ between the identified Groups, all of the polypeptides belong to a closely related family of proteins sharing common functions. Importantly, many sources containing the nucleotide and/or polypeptide sequences recited in the Group VI claims will also contain the corresponding sequences recited in claims of non-elected Groups.

Were restriction to be effected between Groups I-X, a separate examination of the claims in Groups I-V and VII-X would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I-V and VII-X would have to be as rigorous as when only the claims of Group VI were being considered by themselves. This substantial duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected

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separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

Conclusion

Applicants have elected Group VI. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

4/26/2006
Date

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